

REMARKS/ARGUMENTS

Claims 1-41 are pending in the application. In the Final Office Action dated June 20, 2003, the Examiner: (1) allowed claims 1-13; (2) rejected claims 14, 16, 18, 23, 30, 31, 33, 40 and 41 under 35 USC §102(b) as being anticipated by Sebba; and (3) objected to claims 15, 17, 19-22, 24-29, 32 and 34-39 (with respect to claim 15, the Examiner confirmed in a voice mail message left with counsel for Applicant that he inadvertently failed to include claim 15 in the listing of "objected to" claims). Applicant gratefully acknowledges the allowability of claims 1-13 and respectfully requests consideration of the foregoing amendments and the following remarks and arguments, and withdrawal of the remaining rejections.

Status of the Claims

Claims 1-13 are allowable.

Claims 14 and 16 have been cancelled without prejudice to refiling same in a continuation application.

Claims 3, 15, 17-21, 23, 30-31, 33 and 40-41 have been amended.

Rejections Under 35 U.S.C. § 102(b)

In the Office Action of June 20, 2003, the Examiner rejected claims 14, 16, 18, 23, 30, 31, 33, 40 and 41 under 35 USC §102(b) as being anticipated by Sebba. The crux of the Examiner's rejection is that "Applicants intended use as a drilling or well servicing fluid, or intended use to seal or prevent loss of fluid, does not distinguish over the prior art."

Applicant continues to believe that all of its claimed inventions are patentably distinct over Sebba. However, to expedite the allowance of the claims, Applicant has cancelled claims 14 and 16 (the independent claims) without prejudice and has rewritten dependent claims 15 and 17 (which were objected to) in independent form. Thus, Applicant respectfully submits that claims 15 and 17 are allowable. Additionally, claims 18-41 (some of which have been amended) are allowable because they depend, either directly or indirectly, from claims 15 and 17. For the above reasons, Applicant respectfully submits that claims 15 and 17-41 are allowable.

Additional Amendments

In addition to the amendments described above, Applicant has amended claim 3 to correct a typo.

Conclusion

The format of this Amendment and Response to Office Action is believed to conform with the Revised Amendment Practice as described in "Changes To Implement Electronic Maintenance of Official Patent Application Records," 68 Fed. Reg. 38611 (June 30, 2003). All of the pending claims are believed to be free of the prior art, and reconsideration and withdrawal of the rejections are respectfully requested. If a telephone conference would facilitate the resolution of this matter, the Examiner is invited to telephone the undersigned representative. Should any fees have been inadvertently omitted, or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Deposit Account Number 03-2769 of Conley Rose, P.C., Houston, Texas, and consider this a petition for any necessary extension of time.

Respectfully submitted,

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